THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26534 OF 2006

Date: 22-12-2006

Between:
M/s Sree Sai Constructions,
Rep. By itsManaging Partner,
Y.Madan Mohan, son of
Venkateswar Rao, Hindu,
Aged 36 years, resident of
House bearing Door No.9-404/1,
Visalakshi Nagar, Visakhapatnam.

... Petitioner.

And

Greater Visakhapatnam Municipal Corporation,
Visakhapatnam, rep. by its Commissioner.

... Respondent.

* * *

ORDER:

Heard Sri C.Kodanda Ram, learned counsel representing petitioner and Sri N.Ranga Reddy, learned Standing Counsel representing respondent.

2. The matter is coming up for admission today. The writ petition is filed for a writ of Mandamus declaring action of the respondent in issuing notice under Section 452 of the Hyderabad Municipal Corporation Act, 1955, vide U.C.No.7/06 ACP-II, B.A.No.1044/06/ACP-II, dated 16.11.2006, as illegal and arbitrary

and pass such other suitable orders.

3. It is stated that permission for construction of a residential unit was granted to the petitioner on 04.3.2006 and the respondent on 16.11.2006 issued a notice and the petitioner submitted an explanation on 14.12.2006. Several factual details are narrated in paragraphs 3 to 11 of the affidavit filed in support of the writ petition. It is also stated that a suit in O.S.No.2326 of 2006 on the file of II Additional Junior Civil Judge, Visakhapatnam was filed for permanent injunction restraining the respondent corporation from interfering with the structures in any manner, except by due process of law.

4. Be that as it may, inasmuch as several factual aspects had been averred in the affidavit filed in support of the writ petition and it is stated that an explanation in detail had been submitted on 14.12.2006, this court is of the considered opinion that the writ petition be disposed of directing the respondent to consider objections raised by the petitioner and take a decision in accordance with law and it is needless to say that till a decision is taken in this regard, *status quo* obtaining as on today to be maintained.

5. With the above direction, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 22nd December 2006.

Note:

Issue operative portion
of the order by wire
at party's costs.

//B.O.//

BSB